

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

McCOMB CHILDREN'S
CLINIC, LTD.

PLAINTIFF

v.

CAUSE NO. 5:24CV48-LG-ASH

ROBERT F. KENNEDY, JR.,
in his official capacity as
Secretary of the United States
Department of Health and Human
Services; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; ANTHONY
ARCHEVAL, in his official capacity
as Acting Director of the Office for
Civil Rights of the United States
Department of Health and Human
Services; and OFFICE FOR CIVIL
RIGHTS OF THE UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES

DEFENDANTS

ORDER STAYING CASE

In this lawsuit, Plaintiff McComb Children's Clinic, LTD., challenges a rule issued by the Department of Health and Human Services (HHS) that interprets the Affordable Care Act to prohibit discrimination on the basis of gender identity. *See* Nondiscrimination in Health Programs and Activities, 89 Fed. Reg. 37,522-01 (May 6, 2024). In a separate lawsuit challenging the same rule that is at issue in the present case, this Court stayed the rule's effective date and entered a nationwide injunction preventing HHS and the other defendants from "enforcing, relying on, implementing, or otherwise acting pursuant to the May 2024 Rule's provisions

concerning gender identity.” *See Tennessee v. Becerra*, 739 F. Supp. 3d 467, 486 (S.D. Miss. 2024). The defendants appealed the injunction on August 30, 2024.

On March 13, 2025, the parties to the *Tennessee* case agreed to dismiss the appeal of the injunction, and the Fifth Circuit issued a mandate returning the case to this Court. As a result, this Court’s nationwide preliminary injunction remains in effect. Since the defendants have conceded that this nationwide preliminary injunction provides protection to McComb, the Court finds that this lawsuit should be stayed.

IT IS THEREFORE ORDERED AND ADJUDGED that this case is **STAYED**.

SO ORDERED AND ADJUDGED this the 31st day of March, 2025.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge